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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/840,100

05/06/2004

Hsin-Liang Chen

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34283 7590 09/04/2007
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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/840,100

Applicant(s)

CHEN, HSIN-LIANG

Examiner

Bobbak Safaipoor

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~as in~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: the argued features read upon the cited references. Applicant argues that Duarte fails to disclose that the sliding member is disengaged from a transmitting member so that the transmitting member rotates to the second position by a first elastic member. Examiner respectfully disagrees. Duarte discloses that the display could include a latch that secures the display in the closed position (such as position 102a shown in FIG. 1A). Disengaging the latch such as by pushing the display rearward, or a separate latch disengagement device, allows the tensioner 232 to draw the display 202 through intermediate positions (e.g. positions 102B-F) to the fully open position 102G. (col. 3, lines 42-49) The argued features are written such that they read upon the cited references; therefore, the previous rejection still applies. Furthermore, the Applicant argues that the office action fails to establish a prima facie case of obviousness in that it does not establish suggestion or motivation to combine reference teachings. Examiner respectfully disagrees. The Office Action discloses it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Duarte et al into the teachings of Okuda et al so that the mobile terminal can be opened and closed by applying pressure to a forward end (i.e. sliding mechanism) to open the mobile terminal allowing for easier access to the controls of the mobile terminal. Furthermore, Applicant argues that nowhere in the cited art is there disclosed an arrangement of a sliding member that causes rotation of a transmitting member when moved/slid from a third position to a fourth position, and is disengaged from the transmitting member at the fourth position such that an elastic member causes further rotation of the transmitting member. Examiner respectfully disagrees. Duarte discloses that the display moves from the third to fourth position as pressure is applied to the forward end of the display. (col. 2, line 43 to col. 3, line 31) Duarte discloses that the display could include a latch that secures the display in the closed position (such as position 102a shown in FIG. 1A). Disengaging the latch such as by pushing the display rearward, or a separate latch disengagement device, allows the tensioner 232 to draw the display 202 through intermediate positions (e.g. positions 102B-F) to the fully open position 102G. (col. 3, lines 42-49). As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies..

Bjdt
8/23/07

Lana M. Le

8-24 -07

LANA LE
PRIMARY EXAMINER